



House of Representatives

File No. 466

General Assembly

February Session, 2002

(Reprint of File No. 23)

House Bill No. 5067
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 12, 2002

**AN ACT AUTHORIZING THE AMSTON LAKE HEBRON TAX DISTRICT
AND THE AMSTON LAKE LEBANON TAX DISTRICT TO MERGE INTO
THE AMSTON LAKE DISTRICT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

- 1 Section 1. (*Effective from passage*) The Amston Lake Hebron tax
- 2 district, located in the town of Hebron, and the Amston Lake Lebanon
- 3 tax district, located in the town of Lebanon, are authorized to merge
- 4 and form a single Amston Lake District if the boards of directors of
- 5 both tax districts approve such merger. Upon approval of such merger,
- 6 the boards shall meet in joint session and choose necessary officers to
- 7 hold office until the first annual meeting of the Amston Lake District.
- 8 Not more than seven days after the approval of the merger by the
- 9 boards of directors under this section, the clerk of Amston Lake
- 10 District shall cause a notice of such merger to be recorded in the land
- 11 records of the towns of Hebron and Lebanon and indexed under the
- 12 names of the Amston Lake Hebron Tax District and the Amston Lake
- 13 Lebanon Tax District, respectively, as grantors, and under the name of
- 14 the Amston Lake Tax District as grantee. The recording information of
- 15 the Amston Lake Hebron Tax District and the Amston Lake Lebanon

16 Tax District required by subsection (a) of section 7-325 of the general
17 statutes shall be recorded in the same form as the initial recording by
18 the clerk. At the same time, an initial report pursuant to the
19 requirement of subsection (c) of section 7-325 of the general statutes
20 and containing the information required by said subsection (c) for an
21 initial report of a district created pursuant to chapter 105 of the general
22 statutes shall be filed by the clerk with the town clerk of Hebron and
23 the town clerk of Lebanon and annually thereafter a report shall be
24 filed required by said subsection (c).

25 Sec. 2. (*Effective from passage*) Upon approval of such merger and the
26 filing of the notice required by section 1 of this act, the Amston Lake
27 District shall be a body, corporate and politic and shall thereupon and
28 thereafter succeed to and possess all the title to real and personal
29 property, rights, privileges, immunities, and franchises of the Amston
30 Lake Hebron Tax District and the Amston Lake Lebanon Tax District.
31 All property, real, personal and mixed, and all debts due on whatever
32 account, all other choses in action, and all and every other interest of or
33 belonging to or due to each of said tax districts merged shall be taken
34 and transferred to, vested in, and assumed by the Amston Lake
35 District without further act or deed. The title to any real or personal
36 property, or any interest therein, vested in either of said tax districts so
37 merged shall not revert or be in any way impaired by reason of such
38 merger. The Amston Lake District shall, after such merger, be
39 responsible and liable for all the liabilities, obligations, and penalties of
40 each of the tax districts merged. Any claim existing and any action or
41 proceeding pending by or against either of said tax districts merged
42 may be prosecuted as if such merger had not taken place. Any
43 judgment rendered against either of said tax districts merged may be
44 enforced against the Amston Lake District. Neither the rights of
45 creditors nor any liens upon the property of either of said tax districts
46 merged shall be impaired by such merger.

47 Sec. 3. (*Effective from passage*) (a) For the purpose of determining an
48 equitable distribution of the budget of the Amston Lake District
49 against the grand lists prepared by the tax assessor of Hebron and the

50 tax assessor of Lebanon and furnished to the District for the territory of
51 the District within the town of Hebron and the town of Lebanon
52 pursuant to section 7-328 of the general statutes, tax rates shall be
53 calculated in accordance with the provisions of this section.

54 (b) (1) As used in this subsection, "public works" means
55 improvements and activities of the Amston Lake District over, across,
56 upon, under, and through the rights of way for public streets and
57 roads and appurtenant easements and ways, within the territory of the
58 Amston Lake District for all purposes for which the rights of way may
59 be used, including, but not limited to, the placement, installation,
60 maintenance, repair, and replacement of pavement, structures, ways,
61 pipes, ducts, cables, and utilities for parking and passage by foot,
62 horse, or vehicle, for drainage, for safety, and for the movement or
63 delivery of potable water, non-potable water, sewage, gas, electricity,
64 and telecommunications. Repair and maintenance of pavement shall
65 be construed to include (A) removal of snow and ice and control of
66 snow and ice by application of sand, salt, and other means, and (B)
67 removal or remediation of other obstructions to the use of the ways for
68 their intended purpose. Utilities shall be construed to include, without
69 limitation, future means for provision of drainage, communications,
70 energy, water, and waste removal.

71 (2) The budgets for expenses for public works, including expenses
72 for proposed capital projects and allocations for reserves and sinking
73 funds for public works for the budget year, for the territory of the
74 Amston Lake District within the town of Hebron and for the territory
75 within the town of Lebanon shall be subtracted from the budget of
76 total expenses for the district. Fifty per cent of the difference shall be
77 added to the expenses for public works for the territory of the district
78 within the town of Hebron, and fifty per cent of the difference shall be
79 added to the expenses for public works within the territory of the
80 district within the town of Lebanon. The resulting sum for the territory
81 of the district within the town of Hebron shall be divided by the grand
82 list as derived from the tax assessor of Hebron's grand list for the
83 territory of the district within the town of Hebron. The resulting sum

84 for the territory of the district within the town of Lebanon shall be
85 divided by the grand list as derived from the tax assessor of Lebanon's
86 grand list for the territory of the district within the town of Lebanon.
87 The resulting quotients shall each be multiplied by one thousand to
88 complete the calculation of the tax rates in mills for the territory of the
89 district within the town of Hebron and the territory of the district
90 within the town of Lebanon.

91 (3) Taxes of the Amston Lake District shall be levied against the
92 grand list and assessed valuations of property within the town of
93 Hebron at the tax rate established for the territory of the district within
94 the town of Hebron, and they shall be levied against the grand list and
95 assessed valuations of property within the town of Lebanon at the tax
96 rate established for the territory of the district within the town of
97 Lebanon. The Amston Lake District shall comply in all other aspects
98 with the provisions of chapter 105 of the general statutes and shall
99 have all the powers and duties of a district under said chapter 105.

100 (4) Any reserve funds for public works existing as of the date of
101 creation of the Amston Lake District or levied or assessed hereafter,
102 shall be allocated solely to expenses for public works in the territory of
103 the District from which the reserves originated, in such amounts and at
104 such times, as the Board of Directors shall decide.

105 Sec. 4. (*Effective from passage*) The Amston Lake District shall give
106 written notice to the Town of Lebanon and to the Town of Hebron no
107 less than ten days prior to any meeting of the Amston Lake District
108 called for the purpose of adopting any resolution providing for the
109 borrowing of a sum in excess of one per cent of the then current grand
110 list of the Amston Lake District.

111 Sec. 5. (*Effective from passage*) Notwithstanding the provisions of
112 chapters 3, 90, 105, 110 and 112 of the general statutes, and sections 12-
113 129d, 12-130, 21-136, 12-144a, 12-145, 12-147, 12-151 and 12-155 to 12-
114 159, inclusive, of the general statutes, as amended, actions of the
115 meetings, boards of directors, tax collectors, and officials of the

116 Amston Lake Hebron Tax District and the Amston Lake Lebanon Tax
117 District organized and existing under chapter 105 of the general
118 statutes pursuant to notices of organization dated August 9, 1984, and
119 recorded in Volume 8 Page 134 of the Hebron land records and dated
120 June 4, 1987, and recorded in Volume 3 Page 2 of the Lebanon land
121 records, respectively, in the calling of meetings, holding of votes,
122 passage of ordinances, execution of contracts and agreements,
123 establishment of budgets, assessment, levy and collection of taxes,
124 issuance of bonds and notes of indebtedness, conveyance of mortgages
125 securing such bonds or notes, and definition of territorial limits, and
126 the establishment of and actions by the joint council on Amston Lake,
127 as the interlocal advisory board created under the interlocal agreement
128 made between the Amston Lake Hebron Tax District and the Amston
129 Lake Lebanon Tax District dated on May 23, 1996, amended February
130 17, 1999, pursuant to sections 7-339a to 7-339l, inclusive, of the general
131 statutes, in the calling of meetings, holding of votes, passage of
132 resolutions, execution of contracts and agreements, and establishment
133 of budgets, are hereby validated.

134 Sec. 6. (*Effective from passage*) Any ordinances, contracts, bylaws,
135 actions, and documents shall remain in full force and effect with
136 respect to the inhabitants, occupants, and citizens and the territory of
137 each of the former Amston Lake Hebron Tax District and the Amston
138 Lake Lebanon Tax District, respectively, unless and until the Board of
139 Directors of the newly merged Amston Lake District, by resolution,
140 makes effective such ordinances which were identical in both districts,
141 with respect to the territory of both former tax districts. Until such
142 time, the Board of Directors of the newly formed Amston Lake District
143 shall effectuate the ordinances, contracts, actions, and documents and
144 enforce the terms and conditions of the documents with respect to
145 such inhabitants, occupants, and citizens and within such applicable
146 separate territories. Ordinances, contracts, bylaws, actions and
147 documents which were not identical for both former tax districts will
148 remain in effect for their applicable territories, until superseded by
149 ordinance, contracts, bylaws and actions of the Amston Lake District,

150 pursuant to the authority of its meeting of voters. Thereafter, all
151 applicable actions affecting the new Amston Lake District shall be
152 taken under the authority of the ordinances established by the meeting
153 of the voters of the District which shall supersede any previous
154 ordinances of the separate, former districts where inconsistent
155 therewith. Contracts, actions, resolutions, and documents of the joint
156 Council on Amston Lake shall become the contracts, actions,
157 resolutions, and documents of the Amston Lake District without
158 further action and the Amston Lake District will assume all liabilities
159 and retain all the rights and duties of the joint Council on Amston
160 Lake as an advisory board under sections 7-339a to 7-339l, inclusive, of
161 the general statutes.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The merger of the Amston Lake Hebron Tax District and the Amston Lake Lebanon Tax District is not anticipated to result in any change in the allocation of cost between the residents that live around the lake.

House "A" corrects a reference to the Amston Lake Lebanon Tax District and has no fiscal impact.

OLR Bill Analysis

HB 5067

AN ACT AUTHORIZING THE AMSTON LAKE HEBRON TAX DISTRICT AND THE AMSTON LAKE LEBANON TAX DISTRICT TO MERGE INTO THE AMSTON LAKE DISTRICT.

The Office of Legislative Research does not analyze special acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Report

Yea 16 Nay 0